FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Dorothy Mae Witmyer for that property known as 9017 Chesapeake Avenue in the Baylight Beach subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (an existing garage with proposed alteration) with a height of 23 ft. 6 inches in lieu of the maximum permitted 15 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 1993 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (an existing garage with proposed alteration) with a height of 23 ft. 6 inches, in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

3. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall

contain no living or sleeping quarters, and no kitchen or bathroom facilities.

FOR BALTIMORE COUNTY

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

May 5, 1993

Mrs. Dorothy Mae Witmyer 9017 Chesapeake Avenue Baltimore, Maryland 21219

> RE: Petition for Administrative Variance Case No. 93-327-A 9017 Chesapeake Avenue

Dear Mrs. Witmyer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

LES:mmn

encl.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9017 CHESApealu Ave. which is presently somed DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 To PERMIT ON Accessory STRUCTURE (AN existing CAMBE With Proposed ALTERATION) with a hight of 23FT GIN IN lieu OF THE Maximum framitto 15 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

See ATTACher

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are		
		legal owner(s) of the property which is the subject of this Petition.		
ntract Purchases/Lasses		Legal Owner(s):		
		Damakha Mara 1984		
pe or Print Name)		Dorothy Mae Witmyer (Type or Print Name)		
		Dercey Mae Witnesser		
nature		Signature		
dress		(Type or Print Name)		
y State	Zipcode	Signature		
orney for Petitioner:				
pe or Print Name)		Address Phone No.		
		City State Zipcode		
nature		Name, Address and phone number of representative to be contacted.		
		Gregory Raymond Witmyer .		
dress Phone No.		Name		
State	Zipcode	9017 Chesapeake Ave. 21219 Address Phone No.		
,		Fright No.		

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimare County, this _____ day of _

that the subject matter of this petition be set for a public hearing , advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 9017 Utesaptalu 21219

	City		Zip Code
That based upon personal know Variance at the above address: (#	ledge, the following are the f	which I/we base the request	for an Administrative
See ATTALLED			
		····-	
			
			
· · · · ·		·	
may be required to provide addit		be required to pay a reposti	ng and advertising fee a
Denthy Mae Wits	lyer The state of	(signature)	
lipe or print relie) STATE OF MARYLAND, COU	TANK	(type or print name)	
I HERENY CERTIFY, this _2	-+L	, 19 <u>93</u> , before me, a	Notary Public of the S
the Affiants(s) herein personally	known or satisfactorily identified to m	ne as such Affianti(s) and m	ade noth in due form of
	above set forth are true and correct to		
AS WITNESS my head and No	erial Caal		// 4

25 MARCH 1993

Attachment:

That based upon personal knowledge, the following are the facts upon I based the request for an Administrative Variance at 9017 Chesapeake Ave. :

1: Occasional flooding of garage at current elevation due to rain water running off of Chesapeake Ave because Baltimore County asphalts over existing road over the past years. 2: Chesapeake Ave at a higher elevation than existing garage

3: Occasional high tide from storms floods garage. 4: Electrical power tools are becoming inoperable due to water

5: need more dry storage place and a work shop. 6: less chance of electrical fire or electrocution. Election District: 15th Councilmanic District: 7

ZONING DESCRIPTION FOR: 9017 Chesapeake Ave.

Beginning at a point on the south side of Chesapeake Ave. which is 20' wide at a distance of 1,100' east of the centerline of the nearest improved intersecting street Baylight Ave. which is 20' wide. Being Lot # 22 recorded in Baltimore County Plat Book# 7, Folio# 26, containing 8550 square feet and .196 acres.

JLM 4-1-93

ITEM #: 343

Posted for: Lariance	Date of Posting 4/15/93
Posted for: Poste	sake Are , 1100' E Bay light Ata
Location of Signer Facinity for July 071	
Posted by Militarian Blumber of Signe:	Date of return: 4/16/23

Baltimore Genris Zoning Administration Development Managem 111 West Chesapoule Avenue Towson, Maryland 21204	ITZM#	343 Account: R-001-8180	receipt
PET'R DOROTHY 1 9017 ChESADEAKE	Wirmy ER.		
ADMIN. VAR POSTING:		35.00	

01A01W0125MICHRC 8A COO8:51AMO4-01-93

33

Baltimore County Government Office of Zoning Administration and Development Management

April 9, 1993

(410) 887-3353

Dorothy Has Hitsyer and Gregory Raymond Hitsyer 9017 Chesepeaks Avenue Baltimore, Haryland 21219

Re: CASE MRREER: 93-327-A (Item 343) 9017 Chesepoeks Ivenze S/S Chesspeaks Avenue, 1100' E of c/l Baylight Avenue 15th Election District - 7th Councilmenic Petitioner(s): Dorothy Nae Witmyer

Deer Petitioner(s):

111 West Chesapeake Avenue

Towson, MD 21204

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 18, 1993. The closing date (May 3, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD. THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

O. James Lighthizer Secretary Hal Kassoff Administrator

4-8-93

HELEYE KEHKING Ms. Julia Winierski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

KEHRING'. Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

JLP/dal

cc: File

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993 FROM: Jerry L. Pfeifer, Captain
Fire Department SUBJECT: Zoning Petitions #325 No comments #327 No comments #332 No comments #340 No comments #341 No comments #342 No comments #343 No comments #344 No comments #345 No comments #346 No comments #347 No comments #348 No comments #349 No comments #350 No comments The building shall be built in compliance #351 with the applicable provisions of the Life Safety Code and the County Fire Code. #352 No comments

3868-43

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: April 21, 1993

SUBJECT: 9017 Chesapeake Avenue

INFORMATION

Item Number: Petitioner: Property Size: Zoning:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood. In addition, the garage shall not be converted for dwelling purposes.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 29, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #343 Witmyer Prop., 9017 Chesapeake Avenue Zoning Advisory Committee Meeting of April 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

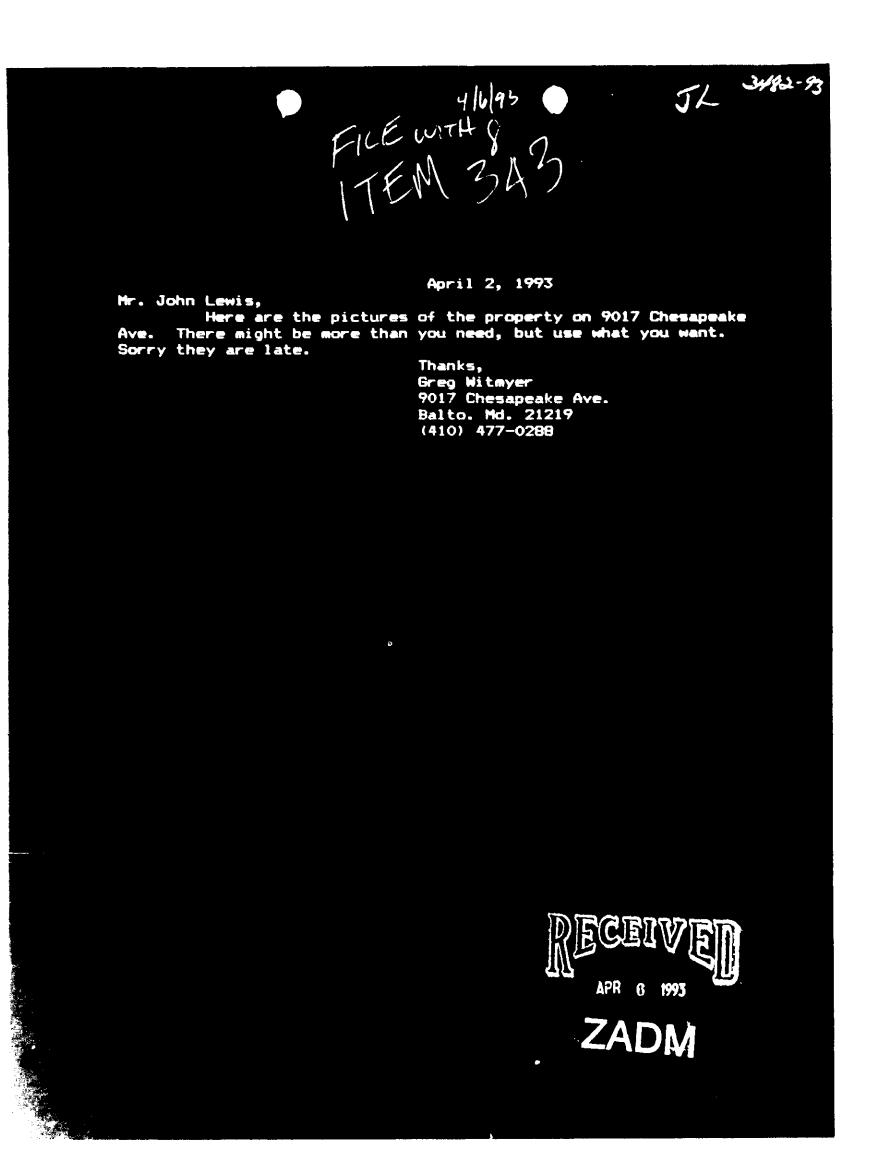
- 1. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.
- 2. This property is located in a limited development area (LDA). At this time it appears that the proposal exceeds the 25% impervious surface limit.

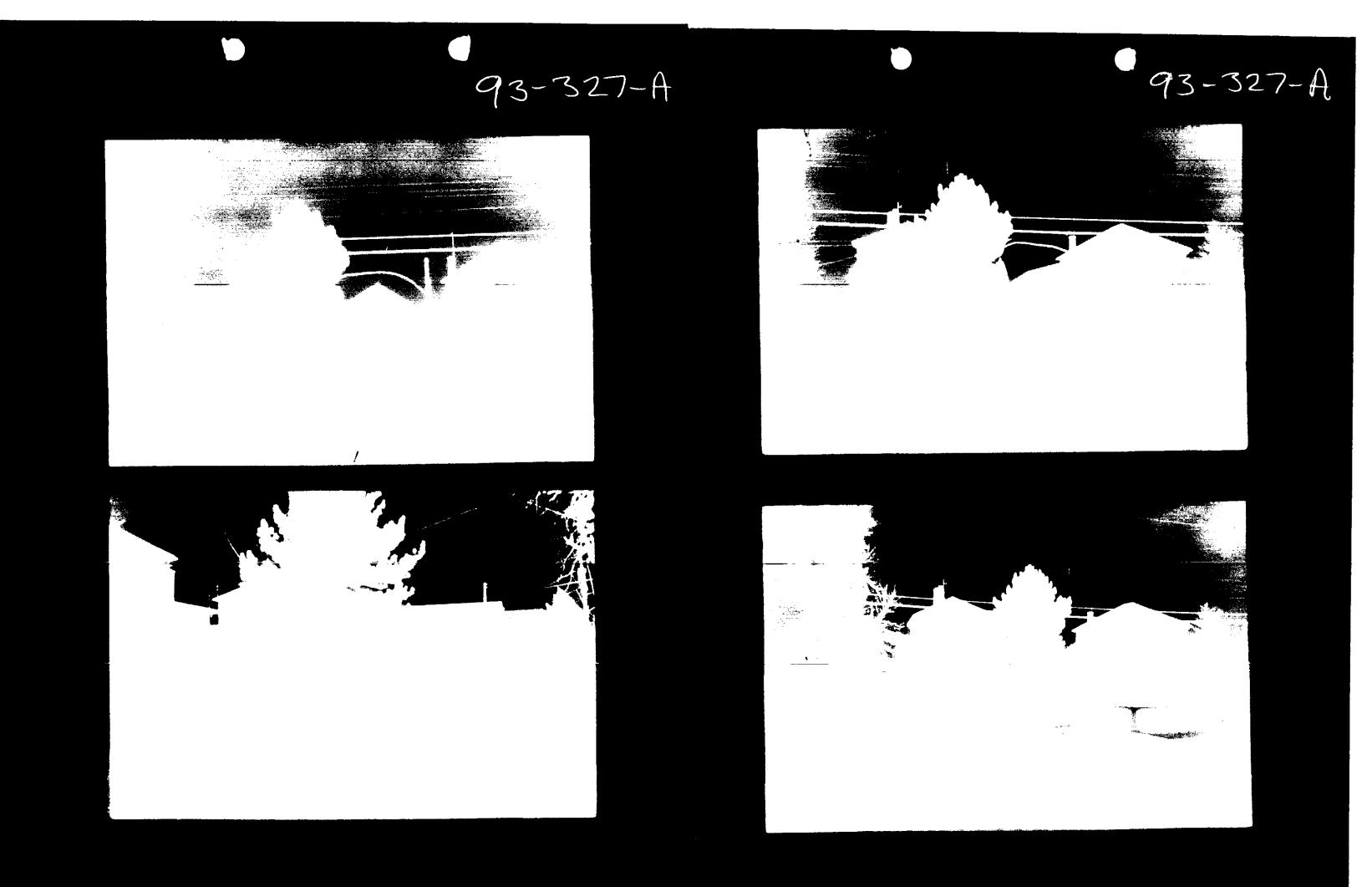
JLP:jbm

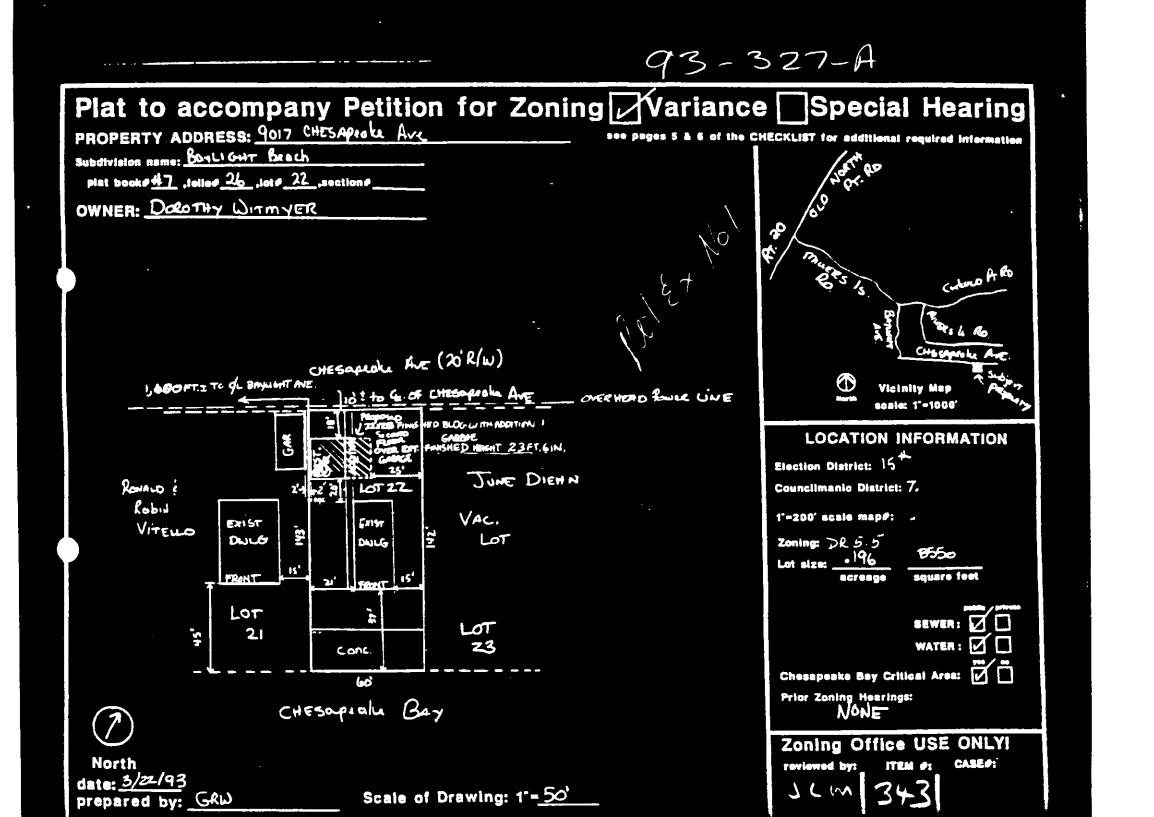
WITMYER/TXTRMP

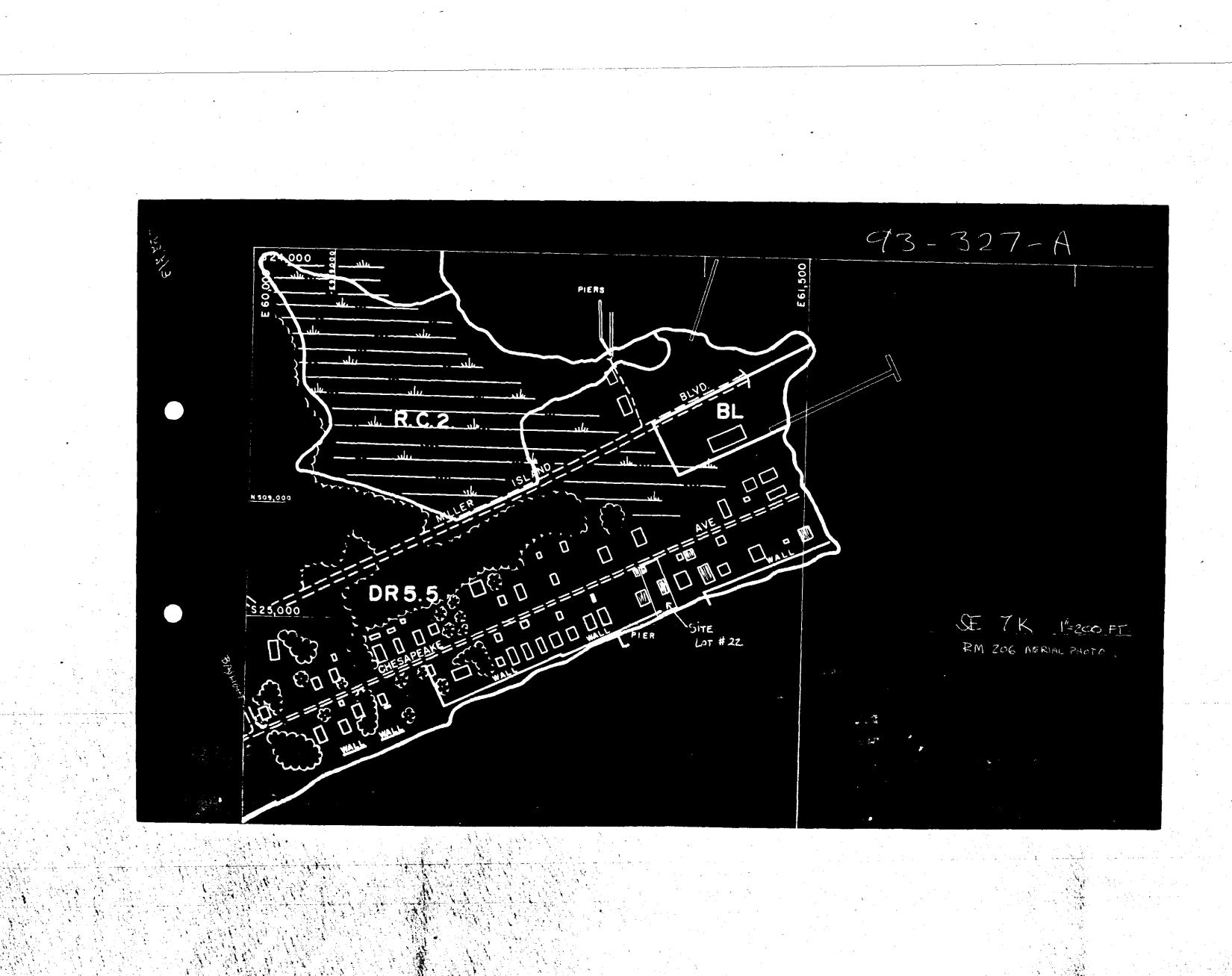
Baltimore County Government Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. PAYMENT WILL BE MADE AS FOLLOWS: 1) Posting fees will be accessed and paid to this office at the time of filing. Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. For newspaper advertising: DOZOTHU WITMYER 9017 CHESADERKE AVE PLEASE FORWARD ADVERTISING BILL TO: POROTHY WITMYER ADDRESS: 9017 Chesapenke Ave. Bala. 2/2/9 PHONE NUMBER: 477-02 ₽₽ AJ:ggs (Revised 3/29/93) Printed on Recycled Pager Printed on Recycled Pager

747 886/8861









93-327-A BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE LOCATION SHEET

I" = 200' ±

DATE
OF
HOTOGRAPHY
JANUARY

LOCATION

SHEET

S. E.

7-K

MARTINSBURG, W.V. 25401